

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JESSIE A. WYERS,

Plaintiff,

Case No.: 23-11717

Hon. Jonathan J.C. Grey

vs.

STARBUCKS COFFEE COMPANY,
a foreign profit corporation,

Defendant.

**PLAINTIFF'S MOTION TO COMPEL ANSWERS TO PLAINTIFF'S
INTERROGATORIES AND REQUEST TO PRODUCE
PURSUANT TO FED.R.CIV.P. 7.1, 37.1 AND 37.2**

NOW COMES, the Plaintiff, JESSIE A. WYERS, by and through her attorneys, BARATTA & BARATTA, P.C. and FELDHEIM & WILENKIN, P.C., and for her Motion to Compel Answers to Interrogatories and Requests To Produce pursuant to Fed.R.Civ.P. 7.1, 37.1 and 37.2, states as follows:

1. On June 13, 2023, plaintiff filed her Complaint in this matter in Oakland County Circuit Court. (Exhibit 1)
2. On July 18, 2023, Defendant STARBUCKS COFFEE COMPANY filed a Notice Of Removal To The U.S. District Court For The Eastern District Of Michigan – Southern Division.

3. Defendant STARBUCKS COFFEE COMPANY was served with Plaintiff's Interrogatories and Requests to Produce on September 18, 2023. (Exhibit 2).
4. Defendant's Responses to Interrogatories and Requests to Produce were due on October 18, 2023.
5. On October 19, 2023, Defendant's counsel stated in an email that she would "have them to you in the next 14 days." That extension was granted for Defendant to reply by November 2, 2023 to reply. (Exhibit 3).
6. Pursuant to Fed.R.Civ.P. 37.1, Mr. Baratta, Co-Counsel for Plaintiff contacted counsel for Defendant by email on November 3, 2023: "Hi Dora, Your discovery responses were due yesterday. I granted you that extension but we haven't received any responses from you. I'll have to file a motion to compel next week."
7. Fed.R.Civ.P 37.1 states:

 “(1) *In General*. On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.”

8. E.D. Mich. LR 37.1 states:

“For any discovery motions before Judge Grey, counsel is required to meet and confer in accordance with E.D. Mich. LR 37.1 in an attempt to resolve, or at least narrow, the disputed issues. Accordingly, parties are directed to meet and confer either in person or by videoconference or teleconference in advance of the hearing.”

9. To date, November 6, 2023, Plaintiff has not yet received the answers to Interrogatories nor Requests to Produce.

10. On November 6, 2023, Mr. Feldheim, Co-Counsel for Plaintiff, had a teleconference with defense counsel regarding outstanding discovery requests. Defense counsel, Ms. Brantley, indicated that she is in receipt of the store video relevant to the personal injury case but has not yet received written responses to Plaintiff’s Interrogatories and Request to Produce of Documents from her client. Plaintiff’s counsel asked Ms. Brantley if she would be kind enough to forward the video to Plaintiff’s counsel. *See* Plaintiff’s Certification of Teleconference attached as Exhibit 4.

11. Plaintiff requires responses to Interrogatories and Production of Documents to properly prepare for case evaluation (or other Alternative Dispute Resolution) and trial.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an order compelling responses to interrogatories and requests for production forthwith.

Respectfully submitted:

FELDHEIM & WILENKIN, P.C.

By: /s/ Stuart M. Feldheim
Stuart M. Feldheim (P30947)
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Dated: November 6, 2023

LOCAL RULE CERTIFICATION

I, Stuart M. Feldheim, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

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**BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION TO COMPEL ANSWERS TO PLAINTIFF'S
INTERROGATORIES AND REQUEST TO PRODUCE
PURSUANT TO FED.R.CIV.P. 7.1, 37.1 AND 37.2**

Pursuant to the facts set forth in Plaintiff's Motion to Compel and Fed.R.Civ.P. 7.1, 37.1 and 37.2, Plaintiff respectfully requests that this Honorable Court enter an order compelling defendant to provide responses to interrogatories and production of documents forthwith.

Respectfully submitted:
FELDHEIM & WILENKIN, P.C.

By: /s/ Stuart M. Feldheim
Stuart M. Feldheim (P30947)
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